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BOOK REVIEWS

American City Progress and the Law. By Howard Lee McBain. Published by the Columbia University Press, New York. 1918. pp. viii, 269.

The title indicates very precisely the scope of the volume in hand. The purpose of the volume is to discover the principles which, as derived by the courts from the fundamental law of the nation, of a state and of a particular city itself, control the extension of city activities into certain new paths. The general inquiry, as expressed in the preface, is this: "In what respects does the law as it now stands facilitate or obstruct the city in its endeavor to apply this or that new policy to the solution of an existing problem?" Fiscal, political, economic and other aspects of policies under discussion are considered only "so far as the views of the courts have been predicated upon one or more of these aspects."

After a discussion of two general topics in this field—*viz.*, legislative grants of home rule, and variations in the rule of strict construction of municipal powers—the book is devoted to an analysis of the legal rules affecting the particular projects of most concern to those interested at present in the enlargement and improvement of the city's services. To what extent and by what methods may a city control the smoke nuisance; regulate bill boards; limit the height of buildings; establish building lines; create zones for building or other regulations; establish industrial and residential zones; apply excess condemnation of land for protection of public improvements, financial profit, or other purposes; acquire and operate public utilities; control living costs; provide facilities for recreation and entertainment; promote local commerce and industry? The essential guiding legal principles relating to these questions, as well as questions incidental to them, are amply explained within the brief compass of 250 pages. The exposition is at all points clear and precise, and is nowhere needlessly technical.

Though holding the discussion strictly within the special province of the book, yet the author is able upon proper occasion to assume the attitude of critic or guide. Thus, for example, he is able at some points to point out inconsistency or inexactness in the opinions of the courts, and at other points to suggest new constitutional grounds upon which to defend innovations for which more familiar constitutional supports have proved unavailing before the courts.

The book is a highly useful and reliable aid for any one concerned with the promotion of study of city progress. For most new steps in a city's development not only popular opinion but the courts also must be persuaded. The volume gives the key to information that should save many attempted advances from mishaps which they would otherwise suffer before the courts. It should be observed also that the analysis of decisions which the book presents affords new evidence that the courts are not in all instances inflexible censors of public opinion, and that even the courts' law is, in the familiar words of the late Justice Brown, "to a certain extent, a progressive science."

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La Unificacion Internacional de la Letra de Cambio. By Dr. Carlos C. Malagarriga. Published by J. La Jouane & Co., Buenos Ayres. 1916. pp. 289.

Dr. Carlos C. Malagarriga has published under this title a revised edition of the thesis which he presented for the degree of Doctor of Jurisprudence at the National University.